

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

United States of America,

Plaintiff,

Case No. 22-cr-20187
Hon. Thomas L. Ludington

-vs-

Ricardo Delgado, D-1,

Defendant.

DEFENDANT (D1) RICARDO DELGADO'S
MOTION FOR CONTINUANCE

NOW COMES Defendant Ricardo Delgado, II by and through undersigned counsel, Edward Martell, Esq., and respectfully requests this Honorable Court to enter an order for a continuance finding excludable delay and ends of justice for the reasons set forth in the attached brief.

Specifically, Defendant Delgado is requesting that the Court make a finding of excludable delay from September 25, 2023, until October 9, 2023 (or a date to be set by Court), based upon ongoing negotiations between the parties, and as a result, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and the defendant(s) in a speedy trial. Further, granting

this continuance would allow the parties additional time to further these negotiations in good faith. This, in turn, could potentially save valuable court time and resources, and promote the efficient and just resolution of this matter.

Pursuant to Local rule 7.1, Defense has sought concurrence from the Government, who is in agreement with a 14-day continuance. In light of the same, we humbly pray this Honorable Court does grant said request.

Respectfully Submitted,

s/ Edward Martell, Esq.
EDWARD MARTELL, Esq. (P85051)
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12315 Telegraph Rd.
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Dated: September 25, 2023

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

United States of America,

Plaintiff,

Case No. 22-cr-20187
Hon. Thomas L. Ludington

-vs-

Ricardo Delgado, D-1,

Defendant.

**BRIEF IN SUPPORT OF
DEFENDANT (D1) RICARDO DELGADO'S
MOTION FOR CONTINUANCE**

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TABLE OF AUTHORITIES:

Cases:

Morris v. Slappy, 461 U.S. 1, 103 S.Ct. 1610, 75 L.Ed.2d 610 (1983).

United States v. Spires, 657 F. App'x 387 (6th Cir. 2016).

United States v. Walden, 625 F.3d 961 (6th Cir. 2010).

United States v. Warshak, 631 F.3d 266, 298 (6th Cir. 2010).

Statutes:

21 U.S.C. § 843(b).

21 U.S.C. §§ 846 and 841(a)(1).

Rules:

LR 40.2.

ISSUES PRESENTED:

- I. Pursuant to *Morris v. Slappy*, the Court has broad discretion in granting continuances. Parties are presently engaged in ongoing negotiations, which could potentially lead to a resolution. Is a continuance appropriate in this matter?

CONTROLLING AUTHORITY:

Morris v. Slappy, 461 U.S. 1, 103 S.Ct. 1610, 75 L.Ed.2d 610 (1983).

ARGUMENT:

This Honorable Court has the broad discretion to order a continuance, and the Sixth Circuit reviews a denial of a motion for a continuance for an abuse of discretion. *United States v. Warshak*, 631 F.3d 266, 298 (6th Cir. 2010). Specifically, the Sixth Circuit and the Supreme Court have recognized, “district courts require a great deal of latitude in scheduling trials and, therefore, must be given broad discretion to determine whether to grant continuances.” *United States v. Walden*, 625 F.3d 961, 964 (6th Cir. 2010) (citing *Morris v. Slappy*, 461 U.S. 1, 11–12, 103 S.Ct. 1610, 75 L.Ed.2d 610 (1983)).

Notably, the denial of a justified request for a continuance can rise to the level of a constitutional violation if the denial is based on the district court’s unreasoned and arbitrary need for expediency, but a defendant must show actual prejudice resulting from the denial to demonstrate reversible error – that is, that a continuance would have added something to the defense. *United States v. Spires*, 657 F. App’x 387, 389 (6th Cir. 2016).

In this case, granting this continuance is well within the court’s discretion, as it aligns with the principles of fairness and justice and promotes the efficient use of the court’s resources. Both parties have been diligently engaged in good faith negotiations, as evidenced by their correspondence and offers exchanged thus far. The prospect of a settlement is not only in the best interest of the parties but also in

line with the court's goal of facilitating timely and just resolutions. Moreover, this continuance will not prejudice any party but rather enhance the prospects of a fair and equitable resolution.

Based upon same, Defendant Delgado has demonstrated good cause for a continuance and has acted in a timely manner on his motion. Further, the Government is in concurrence with a 14-day continuance.

REQUEST FOR RELIEF:

WHEREFORE, Defendant Ricardo Delgado, II (D1), in the interest of justice, prays this Honorable Court enter an order for a 14-day continuance and make a finding of excludable delay from September 25, 2023, until October 9, 2023.

Respectfully submitted,

s/ Edward Martell, Esq.
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(313) 748-8290

Dated: September 25, 2023

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Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2023, I electronically filed the foregoing document with the Clerk of the Court via the ECF filing system, which will send notification of filing to all attorneys of record.

Respectfully submitted,

s/ Edward Martell, Esq.
EDWARD MARTELL, Esq. (P85051)
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Dated: September 25, 2023